

SECRETARY OF STATE
STATE OF LOUISIANA

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MEMORANDUM

DATE: February 18, 2019
TO: Registrars of Voters
FROM: Sherri Hadskey
RE: Instructions on Implementation of Act 636

THE CURRENT PROCESS:

- Voting rights are suspended for a person who is under an order of imprisonment for conviction of a felony
- The election code defines “under an order of imprisonment” as: a sentence of confinement, whether or not suspended, whether or not the subject of the order has been placed on probation, with or without supervision, and whether or not the subject of the order has been paroled.
- This means that anyone who is still on probation or parole cannot register and vote. This also includes people who were convicted under Article 893 and have a suspended sentence.
- Current SUSPENSION process is:
 - The Department of Corrections (DOC) provides a certified list of convicted felons to SOS
 - SOS provides ROV with report of convicted felons list from DOC
 - ROV must issue 21-day challenge to anyone on the DOC list
 - Those persons must appear in person at ROV’s office to show cause why their registration should not be suspended.
- Current REINSTATEMENT process is:
 - Once person is done with all terms of their sentence, they must appear in person at ROV’s office with appropriate documentation from corrections official showing that they are no longer under an order of imprisonment.

WHAT THE ACT DOES:

- Creates an exception to the general rule that a person must be done with all the terms of his sentence (including probation and parole) in order to register and vote.
- BEGINNING MARCH 1st: If a person is currently on probation or parole for conviction of a felony, they may register and vote if they have not been incarcerated pursuant to that order within the last five years.
 - The only people this exception will apply to are people who are:

- On parole for 5+ years
- On probation
 - Out of prison for 5+ years
 - On a suspended sentence and have not gone to prison for the felony conviction
- This exception DOES NOT apply to people who are convicted of felony election fraud or any other election offense pursuant to R.S. 18:1461.2.

WHAT THE ACT DOES NOT DO:

- It does NOT change the ROV's process for SUSPENDING convicted felons
 - ROVs will continue to issue 21-day challenge letters to all persons on the DOC list of convicted felons
- It does NOT change the ROV's process for reinstating previously registered voters or for registering new applicants that are on the DOC list
 - Convicted felons must still appear in person at ROV's office with documentation showing that they are eligible to register.

• THE ONLY CHANGES TO THE ROV PROCESS ARE:

- Convicted felons can register if:
 - They are no longer under an order of imprisonment (done with probation or parole). ***This is NOT new***
 - Have not been incarcerated pursuant to the order of imprisonment for at least 5 years. ***This IS new***
 - This does not apply for people who have been convicted of election fraud or any other election offense pursuant to R.S. 18:1461.2.
- There will be ONE form that convicted felons will provide to ROVs to prove that they meet the eligibility requirements above.
 - We are finalizing this form with DOC. Once it is finalized, we will circulate it so you will know what to look for.
 - It will be a certification from a DOC correction official, stating that the convicted felon is either not/no longer under an order of imprisonment or has been out of prison for at least 5 years.
 - It will be certified and signed by the corrections official.
 - We will send you a copy of the form before March 1st.
- IMPORTANT: Convicted felons that appear in person at ROV offices must still meet the registration deadlines. This is the same for new registrants and reinstatements.
 - New registrants:
 - Must submit a registration application prior to the 30 day deadline or online by the 20 day deadline.
 - Must also appear in person afterward (if registration application is transmitted by mail or online) to submit the certified DOC form showing they are eligible to register.
 - If submitting a new voter registration application in person at ROV's office, they can submit the certified DOC form at the same time. But they must still submit the application prior to the 30 day deadline.

- Reinstatements:
 - Must submit a registration application to update their voter registration record prior to the 30 day deadline or online by the 20 day deadline.
 - Must also appear in person afterward (if registration application is transmitted by mail or online) to submit the certified DOC form showing they are eligible to register.
 - If submitting the voter registration application in person at ROV's office, they can submit the certified DOC form at the same time. But they must still submit the application prior to the 30 day deadline.

If you have any questions about this process, please contact Sherri Hadskey or Lani Durio.